



North Logan Planning Commission

September 3, 2020

**Minutes of the North Logan City
Planning Commission
Held on September 3, 2020
At the North Logan City Library, North Logan, Utah**

**(The time stamps throughout the minutes below, located next to an item, indicate the time an item begins in the recording of the meeting.)*

***00:00:07**

The meeting was called to order by Eric Hansen at 6:30 p.m.

Commission members present were: Eric Hansen, Nan Isaacson, Lyndsay Peterson, Jeff Coleman, Craig Cartwright and Dwight Whittaker.

Others present were: Seth Tait, Lance Anderson, David Rawlings, Lydia Embry, Alan Luce, Spencer Burt and Marie Wilhelm.

The Pledge of Allegiance was led by Jeff Coleman.

An invocation was given by Dwight Whittaker.

Adoption of Agenda

Eric Hansen explained that the Planning Commission can discuss the first item on the agenda, but cannot yet vote on it until a future meeting.

00:02:22 Motion

Lyndsay Peterson made a motion to adopt the agenda as amended. Nan Isaacson seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for August 20, 2020 Planning Commission Meeting

00:02:56 Motion

Nan Isaacson made a motion to approve the minutes as presented. Jeff Coleman seconded the motion. A vote was called and the motion passed unanimously.

Follow-up

00:03:15

Spencer Burt mentioned the Contrada subdivision Concept Plan that was approved the previous evening by the City Council. He said the Development Plan for that will come before the Planning Commission in a couple of weeks.

New Business

6:35 Public Hearing: To receive public input on a proposed conditional use permit to allow an accessory dwelling unit at 1300 E 1600 N, North Logan (Kristine Bjorklund).

00:03:48

Spencer Burt introduced the item and reiterated that the Planning Commission cannot take action on it at this meeting. He explained the situation with this ADU, which is detached from the primary residence on the property. He discussed some of the items that staff has worked on with the applicants to have it meet the requirements. He used an aerial photograph to explain the plans and layout further. He said the owners of the parcel are actually going to live in the ADU, and the Schoonmakers will continue to live in the mail dwelling, as they have been, for the remainder of their lives. He said the applicants have turned in their notarized letter, design drawings and site plan, which he said he will put together for the meeting in two weeks.

Jeff Coleman asked about the access, which Spencer explained, and said the applicants worked quite a bit with the Fire Marshal on this. Spencer said the Fire Marshal has signed off on access, and that the City Engineer has also reviewed this. Spencer explained the fire hydrant situation

and addressed questions about this, as well as explaining emergency vehicle access, per questions from Jeff.

Spencer confirmed that the landowners are going to live in the ADU.

Per a question from Dwight Whittaker, Spencer said the Schoonmakers will be living in the main home and applicants Arthur & Lynette Taylor will live in the ADU, and explained further.

Spencer explained the process for the public hearing, including noticing the neighbors, per a question from Jeff.

6:40 Public Hearing: Consideration and possible recommendations of an ordinance modifying landscaping requirements for development in Industrial Zones found in 12C-1100 (I) Amount of area Required to be Landscaped, reducing the percentage of required landscaping in the MC zone, and adding a street tree requirement in that zone.

00:14:16

Spencer Burt explained the item and said there have been no changes since the meeting two weeks ago. He said this changes the industrial landscape percentage for site development to 10% from the previous 20%; and that there is now a street tree requirement of 1 tree per 40 feet of frontage, that needs to be located adjacent to the street. He clarified that of their required trees, some of them need to be up by the street.

00:15:04

Eric Hansen read aloud the guidelines for speaking at a public hearing and opened the public hearing, and then closed it at 6:47 p.m., as there were no public comments forthcoming.

00:17:05 Motion

Jeff Coleman made a motion to make a positive recommendation to the City Council on this ordinance. Dwight Whittaker seconded the motion. A vote was called and the motion passed unanimously.

Discussion of a revised Water Rights Ordinance that would add Section 12 I - Dedication of Water System Shares or Water Rights to Title 12 of the North Logan City Code.

00:17:44

Spencer Burt introduced the item and said, per the last discussion, that the Planning Commission wanted to discuss this again before they hold a public hearing, as well as be able to have a discussion and ask questions of the City Engineer and City Attorney, who were both at the meeting.

City Engineer, Lance Anderson explained the ordinance and said that when someone connects to the [City's] culinary water system, they will then either relinquish a right/share to connect to that system, or pay a fee in lieu of it, so that the City can then purchase it. He said that currently, North Logan City does not have enough water rights to allow the City to grow to our build-out, therefore we need a water right dedication ordinance that allows North Logan City, when someone connects, to add to our water shares, so that we can grow. He said essentially, an owner relinquishes what would be equal to how much culinary water they use.

Lyndsay Peterson asked whether the shares are being purchased from private entities, which Lance said was correct, and explained further.

Dwight Whittaker asked if the property owner would be required to give up all water shares, or whether they could they pay the difference.

Lance explained that this only goes into effect when there is development activity, i.e., a subdivision, a commercial site, a building: residential or commercial, etc. He said they then do a water analysis to determine the demand on the culinary system, and the owner only has to give the City what the demand is. He said if they are short, then they pay the City money; and if they have more [than needed], they keep that. He said they can then sell it to the City, as the City would like to acquire it. He explained further. He said the basis of water rights is that you use it, and get the beneficial use; if you don't, you lose the right from the state. He said the difference

between an individual and a city, is that a city cannot hold on to those rights for 40 years and not lose it, because it's in their future master plan. He said individuals only have seven years. He said this protects water rights within the community and commented further.

Lance answered questions from the commission and explained various, related items.

City Attorney, Seth Tait, explained the transfer of water shares and relinquishing of water shares, proportionate to the impact on the City's water system, as a condition of approving a land-use application such as a building permit. He said as long as it is proportionate, constitutional law allows that. He explained further, citing the terms in the law. Per a question from Eric Hansen, Seth said there will likely be additional development costs to the applicant due to this.

Per a question from Craig Cartwright regarding the forfeiting of water rights for the City being at 40 years, and 7 years for individuals, Seth explained the situation. He discussed the forfeiture issue, which he said is often litigated; but that Utah law states that if an individual does not apply their water for beneficial use for seven consecutive years, they forfeit their water right. He said this does not work in the municipal realm because cities have to plan for decades into the future, so they extended the time to 40 years, as long as the city has a long-term plan that shows the need for the water.

The discussion continued.

Eric asked, other than having to forfeit their water shares, whether there are other reasons people would not want to do this. Lance said there is a misunderstanding by people of water rights and commented further.

Lance said a public hearing will be held in two weeks and then the Planning Commission can make a motion on this.

Nan Isaacson asked where the forfeited water actually goes, which Seth addressed, and said forfeitures typically happen in lawsuits, which he explained further. He said the water all belongs to the state of Utah, and a water right is simply a license from the state of Utah to use that water. He said when a water right is therefore forfeited, it goes into the system and is "free" for someone to file a claim on it.

Alan Luce left at this time.

Discussion of short-term rentals within North Logan City and a possible draft ordinance to define and regulate short-term rentals within North Logan with a Home-Based business license.

00:58:51

Spencer Burt introduced the item and explained that City Attorney, Seth Tait felt that we are moving in the right direction with this draft ordinance, and explained further. Spencer said at this point, we are free to put this in our code. He explained some of Seth's comments on this that he included in the draft, as well the changes made by the Planning Commission.

Spencer addressed questions and comments from the commission, and made changes as necessary, as they reviewed the ordinance.

Eric Hansen said he would like more time to review Seth's comments on this; and Spencer said a public hearing will be required prior to approval.

Set Next Agenda and/or Adjourn

01:14:03

Spencer Burt discussed the commission attending the 2020 Utah League of Cities and Towns Convention, which he said is all digital this year, and is taking place on September 21-25. He said he will send more information on this to the Planning Commission.

Spencer explained the meeting schedule in two weeks, which will be a joint meeting held with the City Council on September 16th, and a regular Planning Commission meeting with a two-item agenda for the following evening, Thursday, September 17th. It was determined that there will be a quorum for the meeting on September 17th.

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01:18:32 Motion

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Lyndsay Peterson made a motion to adjourn the meeting. Nan Isaacson seconded the motion. A vote was called and the motion passed unanimously.

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The meeting adjourned at: 7:49 p.m.

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Approved by Planning Commission:

September 17, 2020

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Transcribed by Marie Wilhelm

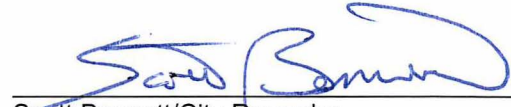
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Recorded by

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Scott Bennett/City Recorder